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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: Peter H. Rogers et al.

Group No.: 3761

Serial No.: 09/842,610

Docket No. 062004-1640

Filed: April 26, 2001

For: **An Apparatus And Method For Implementing Hydro-Acoustic Therapy For The Lungs**

**RESPONSE TO MISSING PARTS NOTICE**

Honorable Commissioner of Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application, Filing Date Granted, dated June 19, 2001, please find enclosed:

1. Verified Statement Claiming Small Entity Status;
2. Declaration for Patent Application;
3. A copy of the Notice to File Missing Parts of Application, Filing Date Granted;

and

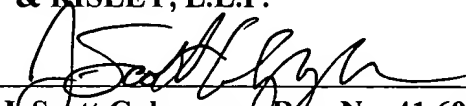
4. A check in the amount of \$65.00 to cover the additional surcharge fee for filing this Response to the Missing Parts Notice.

The Commissioner is authorized to charge Deposit Account 20-0778 for any deficiencies or credit any over payments.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

By:

  
J. Scott Culpepper, Reg. No. 41,692

Suite 1750, 100 Galleria Parkway  
Atlanta, Georgia 30339-5948  
(770) 933-9500  
MissingPartsResp

**CERTIFICATE OF MAILING**

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

**Assistant Commissioner for Patents**

**Box: Missing Parts  
Washington, D.C. 20231**

on August 17, 2001

Sheila Gray  
Sheila Gray

In Re Application Of: Peter H. Rogers et al.

Group No.: 3761

Serial No.: 09/842,610

Docket No. 062004-1640

Filed: April 26, 2001

For: **An Apparatus And Method For Implementing Hydro-Acoustic Therapy For The Lungs**

The following is a list of documents enclosed:

Return Postcard

Response to Missing Parts

Copy of Notice of Missing Parts – Filing Date Granted

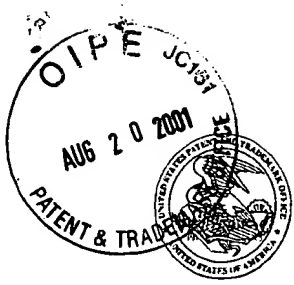
Verified Statement Claiming Small Entity Status

Declaration for Patent Application

Fee Transmittal

A check in the amount of \$65.00 to cover the additional surcharge fee

MissingPartsResp.doc



Page 1 of 2  
Sector \$

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/842,610	04/26/2001	Peter H. Rogers	062004-1640

24504  
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
100 GALLERIA PARKWAY, NW  
STE 1750  
ATLANTA, GA 30339-5948

CONFIRMATION NO. 8626  
FORMALITIES LETTER  
  
\*OC000000006200079\*

Date Mailed: 06/19/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

08/22/2001 HADB11 00000071 09842610

01 FC:205 65.00 OP

A copy of this notice **MUST** be returned with the reply.

THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.

JUN 22 2001

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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100280" 0924850

**OFFICE OF THE PATENT AND TRADEMARK OFFICE**  
**FREE TRANSMITTAL** 2252  
**for FY 2000** 210  
Patent fees are subject to annual revision.  
**TOTAL AMOUNT OF PAYMENT (\$)** 65.00

**Complete If Known**  
Application Number 09/842,610  
Filing Date April 26, 2001  
First Named Inventor Peter H. Rogers et al.  
Examiner Name To Be Assigned  
Group / Art Unit 3761  
Attorney Docket No. 062004-1640

**METHOD OF PAYMENT**  
1. ☒ The Commissioner is hereby authorized to charge to the following Deposit Account,  
Deposit Account Number 20-0778  
Deposit Account Name Thomas, Kayden, Horstemeyer Risley  
☒ Charge all indicated fees and any additional fee required or credit any overpayment.  
☒ Charge any additional fee required and requested to credit any overpayment. ☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:  
☐ Check ☐ Money Order ☐ Credit Card

**FEE CALCULATION**  
1. **BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	\$
106	320	206	160	Design filing fee	\$
107	490	207	245	Plant filing fee	\$
108	710	208	355	Reissue filing fee	\$
114	150	214	75	Provisional filing fee	\$
<b>SUBTOTAL (1)</b>					<b>(\$0)</b>

2. **EXTRA CLAIM FEES**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	9.00	=
Independent Claims	-3** =	40.00	=
Multiple Dependent		270.00	=

\*\*or number previously paid, if greater; For Reissue, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent Claims in excess of 3	
104	270	204	135	Multiple dependent claims in excess of 3	
109	80	209	40	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>(\$0)</b>

**FEE CALCULATION (continued)**  
3. **ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee	X
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension of time within second month	
117	890	217	445	Extension of time within third month	
118	1,390	218	695	Extension of time within fourth month	
128	1,890	228	945	Extension of time within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt.	
581	40	581	40	Recording each patent assignment per property (time number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					
Other fee (specify)					
<b>SUBTOTAL (3)</b>					<b>65.00</b>

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY**  
Typed or Printed Name J. Scott Culpepper  
Signature [Signature]  
Date 8-17-2001  
Reg. Number 41,692  
Deposit Account User ID